

**CYNDEE L. PETERSON**  
**Assistant U.S. Attorney**  
**U.S. Attorney's Office**  
**P.O. Box 8329**  
**Missoula, MT 59807**  
**105 E. Pine Street, 2<sup>nd</sup> Floor**  
**Missoula, MT 59802**  
**Phone: (406) 542-8851**  
**FAX: (406) 542-1476**  
**Email: Cyndee.Peterson@usdoj.gov**

**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**HELENA DIVISION**

<b>UNITED STATES OF AMERICA,</b>  <b>Plaintiff,</b>  <b>vs.</b>  <b>JOSHUA DEAN FISH,</b>  <b>Defendant.</b>	<b>CR 21-01-H-BMM</b>  <b>BRIEF IN SUPPORT OF</b> <b>MOTION FOR VIDEO</b> <b>TESTIMONY</b>
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The United States of America, represented by Cyndee L. Peterson, Assistant United States Attorney for the District of Montana, hereby submits this brief in support of its motion to allow the attendance and testimony of a witness via video conferencing at the sentencing hearing on September 30, 2021.

The defendant is scheduled to be sentenced in this case on September 30, 2021. The defendant filed objections to the presentence report (PSR). Doc. 45. On September 16, 2021, the government notified the Court and opposing counsel

that it intended to present the testimony of two witnesses at the sentencing hearing to respond to the defendant's objections. Doc. 49. In addition, the victim and her parents have a right to attend the hearing and be heard.

One of the government's witnesses is a minor victim's parent whose name is withheld to protect the victim's privacy. *Id.* The government has been informed that this witness has tested positive for COVID-19 and will just be finishing her quarantine on September 30, 2021. She is very ill and travel will be difficult.

Wherefore, the United States requests leave to allow the victim to attend and to present the testimony of the victim's parent via video at the sentencing hearing scheduled for September 30, 2021. The United States acknowledges that it would be responsible for making all necessary arrangements with Court staff for the video testimony.

DATED this 27th day of September, 2021.

LEIF M. JOHNSON  
Acting United States Attorney

/s/ Cyndee L. Peterson  
CYNDEE L. PETERSON  
Assistant U.S. Attorney

### **CERTIFICATE OF COMPLIANCE**

Pursuant to L.R. CR 47.2(c), I hereby certify that the foregoing document is proportionately spaced, has a typeface of 14 points or more, and the body of the brief contains 237 words.

DATED this 27th day of September, 2021.

/s/ Cyndee L. Peterson  
CYNDEE L. PETERSON  
Assistant U.S. Attorney

## CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2021, a copy of the foregoing document was served on the following persons by the following means:

1, 2 CM-ECF  
       Hand Delivery  
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1. Clerk, United States District Court

2. Palmer Hoovestal  
Hoovestal Law Firm, PLLC  
Helena, Montana  
Counsel for the Defendant

/s/ Cyndee L. Peterson  
Assistant U.S. Attorney  
Attorney for Plaintiff